

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-5 and 14 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-5 and 14 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuzma in view of Mobile Tech News, “Logica first to enable MMS Inter-carrier Messaging”, hereafter “Mobile News”. Applicant respectfully traverses the prior art rejections.

In the previous Response filed on March 12, 2009, Applicant submitted that there is no teaching or suggestion in Kuzma of “a multimedia message service wherein a message is sent in a multimedia message service environment comprising a multimedia message service center, wherein a sent Multimedia Messaging Service message includes an electronic stamp whose validity is verified by said multimedia message service center. Applicant argued that the claimed “multimedia message does not equate to the “electronic message” as taught by Kuzma.

In response, the Examiner asserts:

Applicant has not shown that the combination of references fails to teach a multimedia message service, a multimedia message service center, or a multimedia message service message...Kuzma’s only deficiency is a failure to teach a “Multimedia Messaging Service”. This deficiency only exists if one interprets the claimed “Multimedia Messaging Service” as a particular type of service instead of a generic multimedia message service. Due to the capitalization of this particular limitation, Examiner provided the MTN reference to teach a Multimedia Messaging Service. Thus the combination of Kuzma and MTN teach all of the claimed limitations.²

² Pages 2-3 of the Office Action dated June 2, 2009.

Applicant respectfully disagrees with the Examiner's position.

Kuzma clearly teaches a method for transmitting electronic messages, where the electronic messages are of the type used for transmitting telegrams, mailgrams, and telefax (column 4, lines 10-16). An electronic post office transmits the electronic message to a mailbox at the addressee location (column 4, lines 50-54). Kuzma does not pertain to the multimedia environment.

Further, Mobile News does not cure the above-noted deficiencies of Kuzma. Mobile News merely teaches Multimedia Messaging Service (MMS) intercarrier messaging solution which allows users to send MMS messages across different networks. There is no need in Mobile News to pay for the transmission of messages.

Nevertheless, in order to expedite prosecution, Applicant has amended independent claim 1 to incorporate the feature that "the value of the stamp depends on at least one of a type of message and a number of addressees that the message is to be sent to". Support for this feature can be found at least on pages 8-9 of the original specification. Applicant respectfully submits that this element is neither taught nor suggested by the cited references.

Accordingly, Applicant respectfully submits that independent claim 1 should be allowable because the cited references, alone or in combination, do not teach or suggest all of the elements of the claim. Claims 2-5 and 14 should also be allowable at least by virtue of their dependency on independent claim 1.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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